

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

OMMER EVERSON, )  
 )  
 Plaintiff ) ) No. 3:15-cv-1478  
 v. ) ) Judge Collier/Brown  
 ) ) JURY DEMAND  
 SCI TENNESSEE FUNERAL )  
 SERVICES, LLC, )  
 )  
 Defendant ) )

**REQUIREMENTS AND INFORMATION FOR FINAL PRETRIAL CONFERENCE**

A final pretrial conference will be held in **Courtroom 783** on **September 26, 2017, at 2:00 p.m.**, before the Magistrate Judge.

**MATTERS TO BE COMPLETED BEFORE PRETRIAL CONFERENCES:**

**1. Joint Proposed Pretrial Order.** Counsel are directed to meet prior to the pretrial conference and prepare a joint proposed pretrial order, titled "Final Pretrial Order," for submission to the District Judge no later than **one business day** before the date of the final pretrial conference in approximately the following form:

This matter having come before the Court on \_\_\_, at a pretrial conference pursuant to Rule 16 of the Federal Rules of Civil Procedure, and \_\_\_ having appeared as counsel for the plaintiff(s), and \_\_\_ having appeared as counsel for the defendant(s), the following action was taken:

**(1) Jurisdiction.** This is an action for [breach of contract, personal injury, etc.]. Jurisdiction of the Court is invoked pursuant to \_\_\_ U.S.C. § \_\_\_. The jurisdiction of the Court is [disputed/not disputed].

**(2) General Nature of the Claims of the Parties:**

(a) Stipulated facts [*set out uncontroverted facts, including admitted jurisdictional facts and all other significant facts concerning which there is no genuine issue*].

(b) Plaintiff theory [*set out brief summary without detail*].

(c) Defendant theory [*set out brief summary without detail*].

(d) All other parties claim(s) [*same type of statement where third parties are involved*].

(3) **Contested Issues of Law:** The contested issues of law are [*set these out, including any pending motions*]. **OR** There are no special issues of law to be resolved.

(4) **Exhibits.** The parties have disclosed all exhibits in accordance with Fed. R. Civ. P. 26(a)(3)(C). All exhibits to be introduced have been premarked in such a way as to allow the Court to determine which party is offering them. The parties have prepared a joint list of exhibits. Three copies of this list have been provided to the Court at the final pretrial conference. If this case is nonjury, a copy of each exhibit has been furnished to the Court at the final pretrial conference. The parties have endeavored to stipulate the admissibility of all exhibits. The parties cannot stipulate to the admissibility of the following exhibits: [*here list any such exhibits.*]

(5) **Witnesses.** The parties have disclosed all witnesses in accordance with Fed. R. Civ. P. 26(a)(3)(A). A list comprised of the names of all witnesses, their addresses and telephone numbers, is as follows:

- (i) List for plaintiff(s);
- (ii) List for defendant(s).

(6) **Other Matters.** This case is set for trial before the United States District Judge [*or the United States Magistrate Judge*] and a jury [*without intervention of a jury*] at 9:00 a.m. on \_\_\_\_\_. Counsel shall be present at 9:00 a.m. on the first day of trial to take up any preliminary matters. The probable length of trial is \_\_\_\_

days. The parties should be prepared for trial on the date which has been assigned. If this case is not heard immediately, it will be held in line until the following day or any time during the week of the scheduled trial date.

**[NOTE:** As it has been contended that the failure to include a jury demand in the final pretrial order is a waiver of the jury demand, your attention is invited to being certain to set forth your jury demand if it is your intention to have a jury trial.]

(7) This final pretrial order shall supplant the pleadings.

APPROVED FOR ENTRY:

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United States Magistrate Judge

APPROVED AS TO FORM AND SUBSTANCE:

/s/  
Attorney for Plaintiff(s)

/s/  
Attorney for Defendant(s)

2. **Courtroom Technology.** At least **seven days** before the final pretrial conference, the parties shall disclose, to one another and to the Court, technology they intend to use in the courtroom during the trial and how they intend to use it (e.g., display equipment; data storage, retrieval, or presentation devices). This disclosure shall list (1) equipment they intend to bring into the courtroom to use, and (2) equipment supplied by the Court the parties intend to use. Further, the parties shall disclose to one another the content of their electronic or

digital materials, and shall confirm the compatibility and viability of their planned use of technology with the Court's equipment on or before the date of the final pretrial conference. In order to best facilitate presentation of evidence at trial, parties are strongly encouraged to provide their exhibits to the courtroom deputy on the date of the final pretrial conference, or at least **seven days** prior to trial. Specific questions about Court-supplied equipment should be directed to the Magistrate Judge's courtroom deputy.

**3. Motions in Limine.** Any motions *in limine* must be filed no later than 30 days before the trial date.

**4. Special Requests to Instruct for Jury Trial.**

Pursuant to Local Rule 51.01, requests for jury instructions shall be submitted to the Court no later than seven days before the final pretrial conference, and shall be supported by citations of authority. A copy of the prepared instructions should be filed with the Court and sent as a Microsoft Word document or in a compatible format to [collier\\_chambers@tned.uscourts.gov](mailto:collier_chambers@tned.uscourts.gov) and [brownchambers@tnmd.uscourts.gov](mailto:brownchambers@tnmd.uscourts.gov).

The parties shall confer and submit joint proposed jury instructions to the extent possible. Before submitting proposed instructions to the Court, the parties must attempt to resolve any disagreements.

The trial of this case will be held in **Nashville, Tennessee**, before the United States District Judge beginning on **October 10, 2017**. The trial is expected to last three days (from Docket Entry 10). The parties shall be prepared to commence trial at **9:00 a.m.** on the date which has been assigned. If this case is not heard immediately, it will be held in line until the following day or any time during the week of the scheduled trial date.

The parties are also referred to Judge Collier's judicial preferences which may be found at [www.tned.uscourts.gov](http://www.tned.uscourts.gov).

It is so **ORDERED**.

/s/ Joe B. Brown  
JOE B. BROWN  
United States Magistrate Judge